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EXAMINER

DAGER, JONATHAN M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,871	Applicant(s) KIKUCHI ET AL.	
	Examiner JONATHAN M. DAGER	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-13 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 22, filed 18 March 2009 with respect to the rejection of claims 1-13 under 35 U.S.C. 112, 2nd paragraph, have been fully considered and are persuasive due to amendment. Therefore, the rejection of claims 1-13 under 35 U.S.C. 112, 2nd paragraph, has been withdrawn.

2. Applicant's arguments, see pages 22-23, filed 19 September 2008, have been fully considered but they are not persuasive.

The Applicant has contended that claim 1, as amended, as amended, is not anticipated by Robotham (US 2002/0015042) under 35 U.S.C. 102(b), and that the prior rejection of the claim should therefore be withdrawn.

The Examiner respectfully disagrees; regarding claim 1, Robotham has disclosed an invention which relates to the display of visual content on a client device using server-side rasterization of visual content. Visual content is rendered on a server system, transformed into bitmaps compatible with the display attributes of a client device, and transmitted for display on the client device. The invention allows the server to perform, in effect, as a remote browser for displaying Web pages, e-mail, e-mail attachments, electronic document and forms, database queries and results, drawings, presentations, and images at the client device. The approach is "remote" because the server does the rendering and the client provides the interface; "multi-level" because rendered visual content is represented as a multi-level set of raster representations; and constitutes a "browsing system" because the client and server share data

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about the source visual content element being browsed, and the client performs a specific browsing function assisted by the server (abstract).

Thus, Robotham discloses that in response to a query by a client device, the server will provide content based on the display attributes of the client device.

Robotham discloses that the invention is capable of handling virtually any desktop page (in both raster and text mode, with a multi-level interface shared between raster and text mode) and simultaneously handle any page designed for a tiny screen. The invention can essentially extract any part of a desktop page and convert it into a representation suitable for cell phone displays (para 0029).

Thus, the mobile phone terminal contains a display screen on which information is displayed.

Robotham discloses a computer network supporting the exchange of information includes at least two computers: a server 22 and a client 24 (para 0058). A server 22 includes a processor 2, a server memory 4, and a mass storage device 6. These components are in communication with each other through a communications bus, such as a Peripheral Component Interconnect (PCI) bus, an Accelerated Graphics Port (AGP) bus, or some other standard or proprietary bus. An input/output (I/O) device, such as a modem, an Ethernet adapter, or a network interface card (NIC), also in communication with the bus, provides for the server's 22 exchange of information with other external devices, such as a client 24 (para 0059)

Thus, Robotham discloses a server with components capable of the functions those claimed.

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The representative client 24, shown in FIG. 1, includes a processor 3, a memory 9, executable instructions defining a user interface 11, and a display 5. The client components are also in communication with one another through a local communications bus, similar in concept to the server communications bus. The client 24 processor 3 and memory 9 are also similar to those on the server 22, and client 24 can optionally include a mass storage device. A client display 5, such as a cathode ray tube, or a flat-panel display, allows the user to view visual content. Clients 24 such as portable computers, PDAs, and wireless phones, typically provide a flat-panel display 5, such as a liquid crystal display (LCD). When operated, the display 5 defines one or more client viewports 16, representing regions of the display 5 where different visual-information fields can be presented. In addition to an operating system and other programmed instructions, the client memory 7 contains regions dedicated to a user interface 9 and a client display surface 26 (para 0062-0063).

Thus, Robotham discloses a client side device with components equivalent to those claimed.

The nature of bitmap 14--that is, the manner in which content elements are rasterized 15 depends on the known or expected client display attributes. The bitmap 14 is compatible with the expected display attributes 44 if, for example, the bitmap 14 has a tonal range no greater than the expected client tonal range and the bitmap has a pixel format that can be readily interpreted and/or directly used by the client device 24. Conversion to a suitable pixel format may be accomplished, for example, using a color lookup table or similar expedient (para 0068). If the client 24 must perform pixel transforms or image transform operations that require operations across multiple input (i.e., server-provided) pixels to generate each client-display pixel, then the

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pixel format is not considered to be compatible. A bitmap 14 can be compatible even if it has a different pixel resolution or different pixel aspect ratio from the expected client display attributes. Nonetheless, to minimize processing at the client side, the pixel transforms performed at the server 22 can optionally use the expected client display pixel resolution and aspect ratio as input parameters in order to generate display-ready data for the client (para 0069).

Thus, the server utilizes the mobile terminal provided display resolution to provide image data.

The client 24 responds to any user interface actions taken by the user related to the rasterized visual content (e.g., selection of a display item using a pointing device), and determines whether to transmit notification of the user's action to the server 22 for further processing. The server 22 interprets such events as user interface actions on its own proxy display surface 28 and responds by generating the appropriate events and/or actions on its display surface 28, which is transmitted to client 24 for display thereon. Consequently, event processing occurs cyclically, with events caused by user actions transmitted to the server, and appropriately updated display information provided to the client (para 0073).

Thus, the terminal contains stored image data constituting specific graphic symbols and arranged on the display, and a symbol image data transmission request information transmitting means, as well as means for receiving the symbol image data from the server.

Robotham discloses that the expected client display attributes 44 can be maintained at the server 22, and determined based on the client identification information. Alternatively, the expected client display attributes 44 can be transmitted by the client 24, saved at the server 22 or mass storage device 6 (see FIG. 1) in association with the client identification information 42,

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thereby facilitating future lookup based on the identification information 42. In other alternative embodiments, the expected client display attributes 44 are transmitted to the server 22 each time the client 24 establishes a communications session with the server 22 or updated by the client 24 when attributes of the allocated client display surface 26 change (para 0134).

Thus, the invention of Robotham discloses that the server side is capable receiving the symbol image data transmission request, process the request, discriminate the symbol image data transmitted to the mobile phone terminal on the basis of the resolution related information received, and transmit the discriminated data in correspondence with the resolution of the information display screen of the mobile phone.

Therefore, Robotham anticipates claim 1 under 35 U.S.C. 102(b).

2a. It is noted that the Applicant has contended that Robotham does not disclose the embodiments of the server, including symbol image data memory, nor is the symbol image data selected from such a memory in response to the resolution related information from the client.

The Examiner respectfully disagrees; to start, Robotham discloses that visual content is rendered on a server system, transformed into bitmaps compatible with the display attributes of a client device, and transmitted for display on the client device. The invention allows the server to perform, in effect, as a remote browser for displaying Web pages, e-mail, e-mail attachments, electronic document and forms, database queries and results, drawings, presentations, and images at the client device (abstract). Thus, symbol image data can be processed at the server.

The server also mass storage device 6, such as a magnetic or optical disk drive, or a magnetic tape drive, stores large amounts of information that can be updated, maintained, and

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served upon request to other systems, such as a client 24. A server memory 4, which may include volatile and non-volatile elements such as registers, cache, RAM, and ROM, provides a means of storing information required in the short term, or anticipated to be required in the short term, such as an operating system, executable computer program instructions, and data (para 0060).

Thus, the server of Robotham clearly discloses multiple memories for varied uses, including short term/long term memories that can contain data including web page data, email data, email attachment data, etc.

Robotham discloses that the expected client display attributes 44 can be maintained at the server 22, and determined based on the client identification information. Alternatively, the expected client display attributes 44 can be transmitted by the client 24, saved at the server 22 or mass storage device 6 (see FIG. 1) in association with the client identification information 42, thereby facilitating future lookup based on the identification information 42. In other alternative embodiments, the expected client display attributes 44 are transmitted to the server 22 each time the client 24 establishes a communications session with the server 22 or updated by the client 24 when attributes of the allocated client display surface 26 change (para 0134).

Optional user data 52 identifies the user accessing remote browsing services through the remote browser server 22 and maintains (e.g., in mass storage device 6) data associated with that user. This user data can be independent of the client identification, since a user can access the remote browser system from different client devices 24 (or different users can access the remote browser system from the same client device 24). The server 22, client and/or optional third system 38 can supply optional user data, including, for example, display preference data (para 0136).

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Thus, the remote server side memory can store data in correspondence with the resolution of the information display screen of the mobile terminal device. At a later time and/or at another equivalent terminal, a user can retrieve this symbol image data; the server correlates the symbol image data to the resolution related information transmitted from the client and selects the appropriate data from memory.

Thus, the Examiner still maintains that Robotham has anticipated all embodiments of the claimed language under 35 U.S.C. 102(b).

2b. Even if Robotham does not anticipate the contended embodiments, which is not an admission by this office, it is noted that the claims contain multiple statements of intended use or field of use (e.g. “receiver that receives”, “...transmits, before creating...”). These statements of intended use or field of use are essentially method limitations. Thus, these claims, as well as other statements of intended use, do not serve to patentably distinguish the claimed structure over that of the reference.

See MPEP § 2114 which states:

A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim.

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions.

Apparatus claims cover what a device is not what a device does.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

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Additionally, the terms "configured to" or "arranged to" are considered to be structurally modified statements and are not intended use. Claims amended to include the above listed language may patentably distinguish themselves structurally.

Therefore, claim 1 remains rejected under 35 U.S.C. 102(b) for those reasons above, and those cited in the prior office action, which is incorporated herein.

3. Applicant's arguments see page 23, filed 18 March 2009, with respect to the rejection of claims 5, 6, 9, 12, 13, 23, and 24 under 35 U.S.C. 102(b) have been fully considered but they are not persuasive.

The Applicant has contended claims 5, 6, 9, 12, 13, 23, and 24 contain similar embodiments to claim 1 (see arguments above) which are not anticipated by Robotham.

The Examiner respectfully disagrees; independent claim 1 remains rejected, hence, claims 5, 6, 9, 12, 13, 23, and 24 remain rejected under 35 U.S.C. 102(b) as anticipated by Robotham for those reasons cited above as well as the previous grounds discussed in the prior office action, which are incorporated herein.

Further, although not specifically argued, claims 2, 3, 7, 8, 10, 11, 26, and 27 remain rejected under 35 U.S.C. 102(b) as anticipated by Robotham for those reasons cited above as well as the previous grounds discussed in the prior office action, which are incorporated herein.

4. Applicant's arguments, see page 24, filed 18 March 2009, with respect to the rejection of claim 4 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

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The Applicant has contended that the combination of Robotham and Petchatnikov (US 2004/0030493) does not teach the claimed embodiments.

The Examiner respectfully disagrees; Petchatnikov teaches a method for displaying a map on a mobile client device includes storing map data on a server, the map data defining objects appearing in the map and comprising vector coordinates of the objects in a predetermined frame of reference. Upon receiving at the server a request from the client device to provide a map of an area along a route on which a user of the client device is to travel, a heading of travel of the user on the route is determined, and the vector coordinates are transformed on the server into a rotated frame of reference, which is approximately aligned with the heading of the user. A portion of the map data corresponding to the area along the route and including the transformed vector coordinates is downloaded to the client device from the server. An image of the area of the map in the rotated frame of reference is rendered on the client device, based on the downloaded map data (abstract).

Petchatnikov teaches that map data is stored on the server and downloaded to the client in the form of vector data. In response to a route request from the client, the server determines a route from a starting point to a destination specified by the client. Typically, the starting point is the client's current position, while the destination is a map location or point of interest specified by the client. The route computed by the server comprises a sequence of route segments, each of which has a respective length and heading angle. The server then defines a corridor map, made up of a sequence of map segments, each containing one or more of the route segments. The zoom level and orientation of each map segment are determined by the length and heading angle of the respective route segment, so that in general, different segments have different zoom levels and

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heading angles. The map segments are downloaded from the server to the client device (in the form of vector data) in succession, as the client travels along the route (para 0008).

Thus, Petchatnikov has taught an invention similar to Robotham, in that a client device (cell phone, PDA, etc.), can be used to display information on a screen. The user can request data about certain symbols or images from the server, and the server can reply with the data stored that would be tailored to the user's device. Petchatnikov cures the deficiency of Robotham, with respect to claim 4, in that the invention provides a specific use for client/server data supply, i.e. a map information transmitting and receiving means, location information, symbol image information, etc.

Thus, the combined embodiments of Petchatnikov and Robotham teach all the embodiments of the claimed invention. Therefore, claim 4 remains rejected under 35 U.S.C. 103(a) for those reasons cited above, and for those mentioned in the prior office action, which is incorporated herein.

5. Applicant's arguments, see page 24, filed 18 March 2009, with respect to the rejection of claim 25 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

The Applicant has contended that since Robotham does not anticipate all embodiments of claim 24, the dependent claim 25 the Kurumisawa (US 2004/0080516) reference cannot cure said supposed deficiencies.

The Examiner respectfully disagrees; claim 24 remains rejected, hence, claim 25 remains rejected under 35 U.S.C. 103(a) as obvious over the combination of Robotham and Kurumisawa

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for those reasons cited above as well as the previous grounds discussed in the prior office action, which are incorporated herein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN M. DAGER whose telephone number is (571)270-1332. The examiner can normally be reached on 0830-1800 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD

05 July 2009

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663